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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICK FUTIA,

Case No. C 05-1948 PVT

Plaintiff,

STIPULATION OF DISMISSAL; ORDER

v.

VOLNEY and JEANINE VAN
DALSEM, RICHARD and MARY
ELIZABETH RUSO, and WILLIAM
and LESLIE ANN VAN DALSEM,

Defendants.

_____ /

The parties hereto stipulate as follows:

The parties have reached a full and final settlement of all issues in this action. A
Settlement Agreement between the parties has been fully executed.

Some parts of the Settlement Agreement are to be performed in the future. The parties
shall comply with their Settlement Agreement, a copy of which is incorporated by reference as

if fully set forth. The parties request the Court to retain jurisdiction for eighteen months from the date hereof in order to enforce the terms of the Settlement Agreement under the authority of *Kokkonen v. Guardian Life Insurance Co. Of America*, 511 U.S. 375, 381-82 (1994).

Although the parties are hereby dismissing this action with prejudice, they agree that the Court will retain jurisdiction over this action and the parties hereto in order to be able to enforce the terms of the Settlement Agreement.

IT IS HEREBY STIPULATED by and between the parties to this action through their designated counsel that this action be and hereby is dismissed with prejudice pursuant to FRCP 41(a)(2), and the Court retains jurisdiction to enforce the terms of the Settlement Agreement for eighteen months after the date hereof.

Date: September 12, 2005

Date: September 12, 2005

S/Gregory K. Klingsporn
Gregory K. Klingsporn,
Attorney for Defendants

S/Thomas N. Stewart, III
Thomas N. Stewart, III,
Attorney for Plaintiff

I, Thomas N. Stewart, III, hereby attest that I have in my possession the holographic signature of Gregory K. Klingsporn on this document.

Date: September 12, 2005

S/Thomas N. Stewart, III
Attorney for Plaintiff

IT IS SO ORDERED:

Date: 9/26/05


Judge